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Attorneys for Defendant
OLAN MILLS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

<p>ARIEL J. FULCHER, an individual, on behalf of himself and all persons similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>OLAN MILLS, INC.; and Does I through 50,</p> <p style="text-align: center;">Defendants.</p>	<p>) Case No.: <u>3:11-cv-01821-EDL</u>) (Class Action))) JOINT STIPULATION OF THE PARTIES) TO EXTEND DISCOVERY AND CASE) MANAGEMENT DEADLINES) AS MODIFIED) Mag. Judge: Hon. Elizabeth D. Laporte)))</p>
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Defendant OLAN MILLS, INC. (“Olan Mills”) and Plaintiffs (ARIEL J. FULCHER, et al.), respectfully request an order extending deadlines in the Court’s April 14, 2011, case management order (*See* Docket No. 2) by sixty (60) days.

Defendant’s counsel has conferred with Plaintiffs’ counsel, who has no objection to the Court entering an order thereon, as evidenced by the Plaintiff’s electronic signature herein.

In support of their stipulation to extend the deadlines, and pursuant to Civil L.R. 6-2, Defendant files herewith the declaration of Jennifer B. Robinson, attorney for Olan Mills.

1 WHEREFORE, Defendant and Plaintiffs respectfully request that the deadlines be
2 extended by sixty (60) days as follows:

3 Last day to meet and confer re: initial disclosures, early settlement, ADR process
4 selection, and discovery plan shall be changed from July 5, 2011 to September 2, 2011;

5 Last day to file ADR Certification signed by Parties and Counsel shall be changed from
6 July 5, 2011 to September 2, 2011;

7 Last day to file either Stipulation to ADR Process or Notice of Need for ADR Phone
8 Conference shall be changed from July 5, 2011 to September 2, 2011;

9 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule
10 26(f) Report and file Case Management Statement shall be changed from July 19, 2011 to
11 September 16, 2011;

12 INITIAL CASE MANAGEMENT CONFERENCE shall be changed from July 26, 2011
13 to September 23, 2011, or as soon thereafter as the Court has availability.
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Respectfully submitted,

LITTLER MENDELSON, P.C.

By: s/ Jennifer B. Robinson

DATED: June 29, 2011

JENNIFER B. ROBINSON
Attorneys for Defendant,
OLAN MILLS, INC.

BLUMENTAHL NORDREHAUG &
BHOWMIK

By: s/ Kyle Nordrehaug

DATED: June 29, 2011

Norman Blumenthal
Kyle Nordrehaug
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Attorneys for Plaintiffs,
ARIEL FULCHER, et al.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ARIEL J. FULCHER, an individual, on)	Case No.: <u>3:11-cv-01821-EDL</u>
behalf of himself and all persons similarly	)	(Class Action)
situated,)	
	)	DECLARATION OF JENNIFER B.
Plaintiff,	)	ROBINSON IN SUPPORT OF PARTIES'
	)	JOINT STIPULATION TO EXTEND
v.	)	DISCOVERY AND CASE MANAGEMENT
	)	DEADLINES
OLAN MILLS, INC.; and Does I through)	
50,	)	Mag. Judge: Hon. Elizabeth D. Laporte
)	
Defendants.)	

I, the undersigned, certify and declare as follows:

1. I am an attorney with Littler Mendelson, P.C., attorneys of record for Defendant, Olan Mills, Inc. ("Olan Mills") in this action, and I have personal knowledge of the facts stated herein. If necessary, I could and would testify truthfully to the facts stated herein.

2. The complaint in this matter was originally filed in the Superior Court of California for the County of Alameda on February 22, 2011, and served on Defendant through its registered agent for service of process on March 17, 2011. (*See* Docket 3).

3. On April 14, 2011, Defendants removed the complaint to this Court. (*See* Docket Nos. 1, 3, 4).

1 4. On June 3, 2011, the parties entered into a stipulation to allow Plaintiffs to file a
2 First Amended Complaint, which was ordered by the Court on June 6, 2011. (See Docket Nos.
3 14, 15).

4 5. On May 4, 2011, Defendant informed Plaintiffs' counsel of a prior matter filed
5 against it, in which the same claims were alleged as the case at bar, and were settled and released
6 by the parties through November 28, 2009.

7 6. Since May 4, 2011, the parties have agreed to try to settle the case at bar for the
8 period beginning November 29, 2009 through "present" and are currently working to agree on
9 the terms of the settlement.
10

11 7. Pursuant to Civil L.R. 6-2, the undersigned hereby declares that there have been
12 no previous modifications to the Court's deadlines for ADR and discovery deadlines as set forth
13 in its Order Setting Initial Case Management Conference and ADR deadlines dated April, 14,
14 2011. (*See* Docket 2).
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16 8. An enlargement of time of the deadlines set forth in the Court's Order shall
17 further the interest of the parties in order to settle this matter expeditiously and with judicial
18 economy to both parties.

19 9. Therefore, pursuant to Civil L.R. 6-2, the undersigned, counsel for the Defendant,
20 along with counsel for the Plaintiffs, have requested an enlargement of time of the deadlines
21 outlined in the Court's Order at Docket 2, through their Joint Stipulation to Extend Discovery
22 and Case Management Deadlines filed concurrently herewith.
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1 I declare under the penalty of perjury under the laws of the United States and the State of
2 California that the foregoing is true and correct. Executed this the 29th day of June, 2011, in
3 Nashville, Davidson County, Tennessee.

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6 s/ Jennifer B. Robinson
JENNIFER B. ROBINSON

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9 Firmwide:102540287.1 068219.1001

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ARIEL J. FULCHER, an individual, on)	Case No.: <u>3:11-cv-01821-EDL</u>
behalf of himself and all persons similarly	)	(Class Action)
situated,)	
	)	[PROPOSED] ORDER GRANTING
Plaintiff,	)	STIPULATION TO EXTEND DISCOVERY
	)	AND CASE MANAGEMENT DEADLINES
v.	)	AS MODIFIED
	)	Mag. Judge: Hon. Elizabeth D. Laporte
OLAN MILLS, INC.; and Does I through)	
50,)	
)	
Defendants.)	

The Court has reviewed the Parties' Stipulation to Extend Discovery and Case Management Deadlines, and the Declaration of Jennifer B. Robinson pertaining thereto.

1 Good cause appearing therefore, it is hereby ordered that the Stipulation is granted and
2 the Court hereby directs the Clerk to enter this order and amend the case management deadlines
3 as follows:

4 Last day to meet and confer re: initial disclosures, early settlement, ADR process
5 selection, and discovery plan shall be changed from July 5, 2011 to September 2, 2011;
6

7 Last day to file ADR Certification signed by Parties and Counsel shall be changed from
8 July 5, 2011 to September 2, 2011;

9 Last day to file either Stipulation to ADR Process or Notice of Need for ADR Phone
10 Conference shall be changed from July 5, 2011 to September 2, 2011;

11 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule
12 26(f) Report and file Case Management Statement shall be changed from July 19, 2011 to
13 September 16, 2011;
14

15 INITIAL CASE MANAGEMENT CONFERENCE shall be changed from July 26, 2011
16 to September 27, 2011, ²⁷ at 10:00 a.m., or as soon thereafter as the Court has availability (_____).

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 DATED: July 5, 2011

